

# How the American Press Reacts to the News of the Day, Domestic and Worldwide

## Convicting Townley of Preaching Disloyalty

THE conviction of A. C. Townley, president, and Joseph A. Gilbert, organizer, of the Nonpartisan League, at Jackson, Minn., on July 12, on the charge of conspiring to teach disloyalty in violation of Minnesota law, is of unusual interest because the verdict follows shortly after the ratification of the league's seven drastic legislative reform measures by the people of North Dakota and also because the jury was composed of farmers.

The indictment against the two leaders had been returned last year prior to the recent campaign in behalf of the North Dakota reforms. The Nonpartisan League is made up chiefly of farmers, and, according to Townley, has a membership at present of about 250,000 in the United States.

The league's supporters in North Dakota expect the Supreme Court of Minnesota to reverse the verdict. Opponents of the league are equally confident that the verdict will stand. Townley and Gilbert declare the trial unfair.

### Indicted on Speeches

The defence contended that speeches by Townley and Gilbert at mass meetings in Minnesota early in 1918 were not disloyal as to their references to the government and the prosecution of the war. These speeches were made together with circulation of the Nonpartisan League's so-called war programme over Townley's signature.

During the three weeks of the trial the defence made repeated charges that the case is an outgrowth of efforts to injure the Nonpartisan League. Testimony along this line and also testimony by Representative James M. Baer and North Dakota state officials concerning the loyalty of Townley and the league was excluded by Judge E. C. Dean.

When the jury had reached its verdict and so announced, Judge Dean, the defendants and attorneys in the case, most of whom were at a nearby hotel, were summoned. When the verdict was read neither Townley nor Gilbert showed any emotion. The jurors announced they took two ballots. The first was nine to three for conviction. The second was unanimous for conviction. The deliberation had lasted two hours.

### Townley's Statement

Townley made the following statement after hearing the verdict:

"Judges and lawyers may quibble, but in the court of public opinion the common sense of the people will never approve a ruling that says a man may merely deny he is disloyal and is forbidden to prove by constructive testimony that he is loyal."

Much of Judge Dean's charge related to the question of conspiracy and the fact that the guilt of one defendant in a conspiracy action is considered the guilt of both defendants. Judge Dean granted a stay of sentence until September 15 to permit the preparation of the court record and the making of motions for a new trial. The two other criminal actions against Gilbert were continued until the January term of court. He was convicted in the justice court at Lakefield of unlawful assemblage, sentenced to ninety days in jail and appealed to the district court. Both charges are based upon the speech which Gilbert made at Lakefield, Minn., January 23, 1918.

When Prosecutor F. H. Nicholas completed his argument two and one-half hours before the case went to the jury Townley made a personal plea to the court that he be permitted to argue his own case. Standing in a crowded courtroom, Townley told the jury that he had dismissed his attorneys, that the co-defendant, Gilbert, had waived the right of further representation by counsel, and that he (Townley) asked for the privilege of speaking on the ground that he felt the Nonpartisan League was on trial.

Argues in Shirtsleeves

Only a moment after Prosecutor Nicholas had closed his argument Townley stepped before the court devoid of coat. His suspenders snapped as he stretched his arms and began speaking. Scores of women were in the crowd that jammed the courtroom.

"Your honor," he said, "I have discharged my counsel. I have come to the conclusion that from this point in the case I have every confidence in the ability of the men who have been representing me. But I feel that I and the organization are on trial, and I feel that I can handle this defence better than my attorneys. I do not know what Mr. Gilbert is going to do about it; I do not know whether he is going to be heard through his attorneys."

At this point George Hoke, who had been chief counsel for the defendants, announced that Gilbert waived his rights to be represented by counsel. Townley then continued:

"I ask, your honor, that I may be permitted to make my own plea to the jury. I am very anxious to do this. The attitude of more than 250,000 farmers and a million of people throughout this Northwest will depend upon the decision of the jury, and I again ask that I may be permitted to make the address in my behalf."

Judge Dean pointed out to Townley that it was a case alleging conspiracy, in which the law holds that the two defendants, if found guilty, would be considered equally guilty. The court questioned whether the law would permit one of the defendants to try his own case in an action of this kind without legally representing the other defendant. Townley is not a lawyer.

### Calls Common Sense Law

"The application of common sense written into words and applied to the rules of life is law, your honor," said the Nonpartisan League head. "Gilbert has quit. Suppose he would decide to plead guilty? Would that mean that I am guilty? I feel that I am innocent, and I ask for the right to make my own plea." Assistant Attorney General Markham objected, holding that the court could not properly grant the defendant's request. Judge Dean then asked the attorneys to submit authorities on the issue, and Townley took his chair while the lawyers argued.

Judge Dean denied Townley's request to address the jury.

"As the jury has been excused, the court may discuss the issue," said Judge Dean. "The defendant has not seen fit to submit himself to cross-examination, but he seeks to go before the jury and give his version of the literature that was put out by the league. Now, then, that would be a version without an opportunity on the part of the state to cross-examine or even to reply to the statement. There is the difference."

"I am indicted in this case! This case means my life!" shouted Townley when Prosecutor Nicholas urged the court to dispose of the issue. "The county attorney may not think much of this case, but it means my life and everything to me and 250,000 other people."

"I have given the matter considerable thought, Mr. Townley," said Judge Dean. "I will admit this is a close question and I would like the Supreme Court to settle it. I think that I will have to deny this request."

"I take the position, your honor," said Townley, "that money cannot measure the difference between my capacity to present this case to the jury and the capacity of these attorneys, with all due deference to them."

### Up to Higher Court

"The court has decided on the motion. You have your rights to take exception and to let the Supreme Court rule on the matter."

Townley, after a brief conference with his attorneys, announced that in view of Judge Dean's decision he had decided to rest his case without argument.

"I believe that my interests as a citizen and defendant will best be served in this manner unless I can address myself to the jury," said Townley.

Judge Dean, in his charge to the jury, discussing the conspiracy phase, said:

"Conspiracy is a combination of men for an evil purpose; an agreement between two or more persons to commit a crime in concert; a plot. A conspiracy may be proved by other facts as proved by circumstantial evidence, and persons performing disconnected overt acts all contributing to the same result and the consummation of the same offence may, by the circumstances and their general connection, or otherwise, satisfactorily show the conspirators and confederates in the commission of the offence. A common design is the essence of the charge, and this may be made to appear when the defendants steadily pursue the same object, whether acting separately or together, by common or different means, all leading to the same unlawful result."

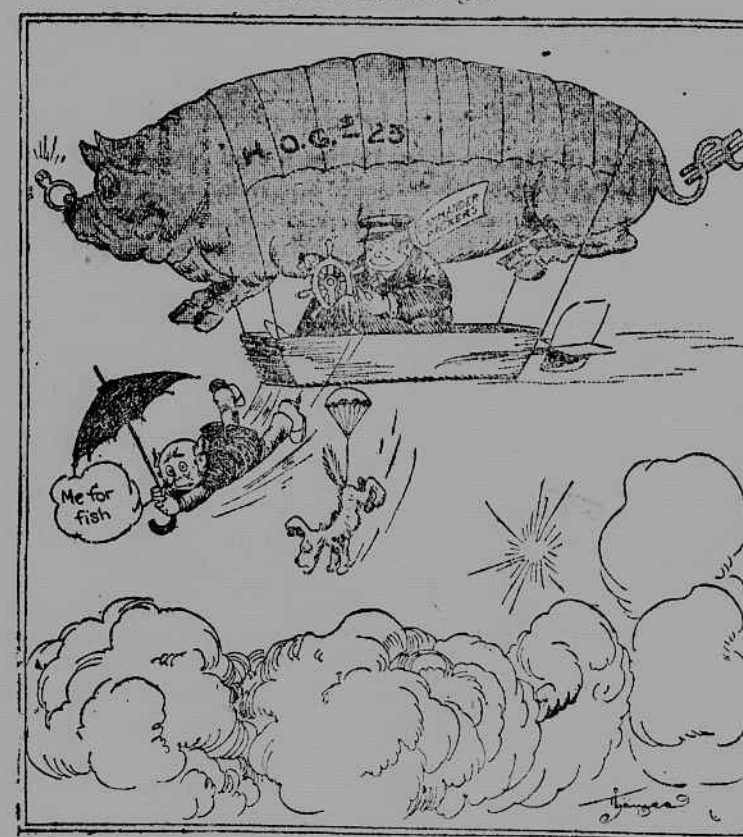
"The concurrence of mind, essential

## Harpooning the High Cost of Living

Why Not Prohibit Profiteering?



—From The Memphis Commercial Appeal.



—From The Detroit News.

to a conspiracy, may be proved by direct or circumstantial evidence, or both."

### State Blocks Evidence

Successful objection by the state to the introduction of evidence which the defence charged would prove a "political frame-up" against Townley and Gilbert, and the appearance of many witnesses who asserted that Townley's speech at Cambridge, Minn., February 18, 1918, was not unpatriotic, marked the session on the day immediately preceding the day of the verdict.

Clarence F. Johnson, of Marine, Minn., who stated that he formerly was in the employ of Charles Patterson, of St. Paul, alleged by the

league to be head of an organization working against it, was not allowed to testify other than to say that Mr. Patterson was representing an organization the name of which Johnson did not know.

When Attorney Hoke asked the witness who comprised the organization Assistant Attorney General J. E. Markham said:

"There is no possible relevancy to this. The defence repeatedly has referred to some organization opposed to the activities of the Nonpartisan League. If there were a dozen of them it would make no difference, so far as the indictments against Townley and Gilbert are concerned."

The state's objection was upheld. Patterson was in court waiting to

be called as a witness for the defence.

The ruling out of the Johnson testimony brought some warm clashes between the attorneys. T. V. Sullivan, representing the league, told Prosecutor Nicholas the defence could show that "there is a frame-up, and you are in it."

### Court Rebukes Lawyer

Judge Dean stopped Sullivan by saying the court had been too lenient with the lawyers and that a few arrests probably should have been made.

Representative A. C. Welch, of Glencoe, testified that when Townley spoke at Glencoe, F. A. Teigen, the state's leading witness, was half

a block away most of the time, so-called Nonpartisan League memberships.

Herman Rossow, a farmer living near Lakefield, testified that he was with Irving Freitag, a league organizer, for some time and that he never heard Freitag make any disloyal remarks.

On cross-examination Rossow admitted that he attended what Prosecuting Attorney Nicholas referred to as an anti-draft meeting.

"Were not delegates appointed at that meeting to attend the anti-draft meeting held later at New Ulm?"

"I don't know," the witness replied.



—From The Philadelphia Inquirer.

### The New Autocracy



—From The St. Louis Post-Dispatch.

## Attacking the Five Packers and High Food Prices

INTIMATELY associated with the restive spirit of the world's population is the continued rise in the prices of foods. This is frankly and generally conceded. In the United States it has centered about the packers; or the manufacture, sale or distribution of meat products, and the government's promise made shortly after our advent into the great war to supervise the nation's subsistence, with assurances that the consumer would not suffer after the conclusion of peace.

The Federal Trade Commission has before Congress a bill known as the Kenyon-Anderson bill, which would give the government control over the packing industry. The measure is a result of an investigation by the Federal board which charged, according to its own data, that—

"The 'Big Five' packers, separately or together, control 574 companies; that they have a minority interest in 95 and an undetermined interest in 93—a total of 762 companies. These companies are said to deal in 775 different kinds of commodities, mostly food products. But the report lists poultry, cheese and eggs, railways and private car lines, shipping, banking, coal, feed, fencing, fertilizer, hardware, lumber, cement, lime, brick, plaster, sand, gravel, roofing and grain elevators as also within the scope of the so-called combination."

### More of the Charges

The report adds that these "Big Five" have even begun to deal in staple groceries and vegetables, such as rice, potatoes, beans and coffee. The report says that since 1917 the price of rice, as an example, has gone up 65 per cent. Canned goods are also listed as under control of the "Big Five."

That the packers have gone into foreign fields and have established branches in Europe and that they control over half the export in beef trade from Argentina are additional allegations.

From the foregoing the Trade Commission concludes that the "Big Five" are developing an organization capable of controlling food prices all over the United States and possibly elsewhere. This is the belief of "The Boston Globe," which says:

"Government reports do not class as hammock literature for summer afternoons. But the Federal Trade Commission has just produced one which, while it may not be warm weather reading, is likely to produce warm weather in those who read it."

"Its accuracy is certainly to be sharply challenged," adds this paper, "for it is a description of how the packing industry has branched out."

Three columns long though it may be, it is well to read as much of the text of the report as a newspaper can print. To do so is an exercise in that kind of study and thinking which must be undertaken by all of us before the country can be in a position to deal intelligently with the problem of getting prices down to their normal levels. It will take more than grumbling to do it."

### The Answer of Swift

Louis F. Swift, speaking for the "Big Five," as well as for his own company, characterized the report as an attack upon successful business; that it juggles figures and resorts to sensationalism; that in so far as he is concerned it contains no evidence of collusion among the five largest packers, and that the report is prejudiced and unfair. Of the total receipts of the packers he said that 85 per cent is paid for the live animals alone, 13 per cent for wages and transportation and about 2 per cent is net profit.

Commenting upon the government report, "The Emporia Gazette," of Kansas, says:

"In that statement are found some of the reasons for the high cost of living, and the low price of cattle. Combinations are necessary in modern economic distribution. They cannot be prevented, and they should be encouraged; but they should be regulated. They should be made to serve private gain only as they serve public good in an immeasurably larger degree than they serve private gain."

"The packers and all their activities should be made public utilities. They should be subject to stringent regulation and Federal control. They should be wise enough to accept this regulation and control in good will; if they balk they will fare worse. For the people, after all, will run this government. And the people are greater than the packers."

"At last accounts," remarks "The Philadelphia Bulletin," "the 'buck' of the responsibility for high prices rested with the stock raisers. The people charged the meat dealers

with profiteering, because they made at the household bills; the retailers passed it on to the middlemen and the packers, and the packers have been busy proving that it was all the fault of the stock raisers. And now the cattlemen appeal to the people to eat more meat. It might be regarded as an instance of colossal nerve if it were not for the fact that the stock growers are really in earnest and may join hands with the consumer in fixing the responsibility for abnormal prices."

"The Chicago Evening Post" declares that "one might imagine that this commission [Federal Trade Commission] does nothing—which, indeed, is not far from the truth—but bound the packers, though they were charged by the President to investigate all food conditions."

"Something must be done, and the Post's idea of that something is for Congress or the President to rejuvenate this discredited Federal Trade Commission, which as an example of bureaucratic inefficiency has a marking of 100. Make it a body that will command public respect and the confidence of Congress. Then turn it loose on the packers and all others suspected of profiteering."

"Shouting 'Bolshevism!' in stentorian tones is not going to allay the present social discontent, which finds expression nowadays in almost every public gathering. It is high time that those guilty of withholding bread from the mouths of the hungry should be punished and made to walk the strait and narrow path in the future."

"But no measure based on the findings of the present Federal Trade Commission will elicit intelligent public support or the right kind of Congressional action."

### Toronto's Point of View

"The Toronto Mail and Express" feels forced to a lengthy discussion of the problem and gives expression to anti-trust sentiment as follows:

"If there is to be a real endeavor to control the course of meat prices it is not the net profits of the companies which should be the principal object of attack, but the system whereby they control the meat trade of the country. The concentration of control of the meat trade in the hands of a few gigantic packing concerns is dangerous."

"The New York Journal of Commerce" asks if the packers "are aware there is such a thing as dangerous public opinion, and are they recklessly acting in defiance of their better judgment?" This financial organ then goes on to say:

"If the people become obsessed, as they will if provoked, with the idea that the high cost of food is seriously aggravated by the profiteering of a few powerful men, they will adopt the quickest and easiest measures of relief, namely, rigid government regulation, or, worse still, public ownership, both of which measures would find favor with conservative Socialists and extreme radicals alike. Surely the food barons are alive to the consequences of their acts and the folly of defying public opinion, especially when that opinion has its origin in the human stomach. Europe is a warning of the effect of hunger on the public mind."

The New York Tribune asserts that the Trade Commission "is strong on description of conditions, but weak on prescription of remedies," and adds:

"The packers are unpopular, but even more unpopular are high prices of food. If the packers give more for less they will get the customers, and railing at unfair competition will not head them off. If other food distributors would keep the packers within bounds they must develop ways of lessening the margin between what is paid to producers and what is charged to customers. On this vital problem the commission is practically silent—has apparently nothing constructive to offer—and this means that its report, while interesting, is of little practical value."

## Wayside Points of View

### Ramification

"My men have not been able to find a single anarchist in the city for the last three weeks," declares the head of the bomb squad of detectives. And still the question is, "What is an anarchist?"—Philadelphia Bulletin.

### "Ambassador" Harden?

Max Harden for Hun Ambassador to Washington! Impossible! Think of how much truth he has told!—Washington Post.

### Specialties

George Washington never made any homecoming speeches. George's specialty was a farewell.—Toledo Blade.

## The Week at Home

THE treaty fight began in the Senate over the provisions of the Shantung settlement. Senator Lodge called it "the price paid to Japan for her signature to the league of nations."

Senator Mores said it was "the bribe to Japan." Senator Norris described it as "a wicked decree, with the United States the only member of the court that was not bribed." Democratic attempts to defend the settlement were made by Senator Hitchcock, who said it was "a benefit to China," and by Senator Williams, who called it "a rock wall too high to climb over and too thick to butt through."

A resolution adopted by the Foreign Relations Committee calls on the President for a transcript of all the proceedings of the peace conference. This resolution was offered by Senator Johnson. The Senate adopted a resolution offered by Senator Lodge calling for the text of the reported treaty between Japan and Germany. The committee also adopted the Borah resolution inquiring about the reported protest of three members of the American peace mission—Lansing, White and General Bliss—against the Shantung settlement.

The charge of affairs of the Japanese Embassy in Washington denied that Japan had made any agreement with Germany since Japan entered the war and said the so-called Japanese-German treaty

was of German manufacture and intended to create trouble between Japan and her allies. He said, also, that Japan had solemnly promised to return the Shantung peninsula to China, retaining only the privilege of establishing a settlement there similar to the foreign settlements in Shanghai.

President Wilson will send a copy of his own draft of the league covenant to the Senate. This will show, it is said, that the President is the author of Article X, which has been the most controversial article in the treaty.

President Wilson sent word to the Foreign Relations Committee that he would be glad to see the committee at the White House at any time on twenty-four hours' notice. Until this message was received it had been the understanding that the President's offer had been to appear before the committee at the Capitol. The President met his Cabinet for the first time in nearly seven months. A large number of domestic problems were discussed and the President gave the Cabinet details of the peace negotiations. It is believed that the President's tour of the country to champion the league of nations and the peace treaty may begin at an earlier date than at first planned, as the Senate Foreign Relations Committee does not seem in a hurry to question him.

The seamen's strike tied up 1,500,000 tons of shipping in the Port of New York. Two-thirds of the tonnage was owned by the United

States Shipping Board, which had granted a 10 per cent wage increase. The increase was not satisfactory to the men, because it did not carry with it the eight-hour day and the preferential employment of union men. The railroad administration considered an embargo on some classes of export freight likely to follow the seamen's strike.

The War Trade Board section of the State Department authorized the immediate resumption of commercial relations with Germany. Postmaster General Burleson announced the resumption of mail service to Germany.

Daylight saving was saved by the failure of the House to pass over the President's veto the agricultural appropriation bill with the daylight saving repeal rider.

The drys in the House won such a decisive victory in the fight to put the ban on all beer in the prohibition enforcement bill that they now threaten to deny the right to store in the home liquor bought before July 1.

Republican Senators said the President's nomination of John Skelton Williams to be Controller of the Currency for a new term of five years would be rejected by the Senate. Representative McFadden, of Pennsylvania, said he would oppose Williams on the floor of the House if his nomination were confirmed by the Senate.

The last man of the A. E. F. who is

not to remain in France with the army of occupation or its service of supplies will be on his way home within a month, according to Major General David C. Shanks, commanding the port of debarkation, Hoboken. General March, chief of staff, cut the authority of army courts martial by taking away from them the power of declaring death sentences or the dismissal of officers from the army.

Henry Ford in his \$1,000,000 libel suit against "The Chicago Daily Tribune" testified that he favors another great war without delay if the league of nations falls through. He defined an idealist as "one who helps others to make a profit" and said he thought history all "buck" and that he was ignorant on most things, but was beginning to like art a little and had got along far enough with music to like the banjo. Senator Sherman, of Illinois, charged in the Senate that Edsel Ford was "a Presidential pet," and that he was exempted from military service by an abuse of Executive power.

Governor Smith called a special term of the Supreme Court for August 11 to investigate the Reds. The authorities of Ohio and Illinois have sent representatives here to consult with the Lusk committee, with a view to starting Red investigations in the Middle West.

The New York Milk Committee, as the result of a national survey, predicts a record baby crop in the United States this year.